

The Hon. Jamal N. Whitehead

UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

UNITED STATES OF AMERICA,

Plaintiff,

v.

STEVEN J. MIGDON,

Defendant.

NO. CR24-191-JNW

**PRELIMINARY  
ORDER OF FORFEITURE**

THIS MATTER comes before the Court on the United States' Motion for Preliminary Order of Forfeiture ("Motion") seeking to forfeit, to the United States, Defendant Steven J. Migdon's interest in the following "Subject Property":

- a. One Apple iPhone 13, seized from Defendant on or about August 5, 2024.

The Court, having reviewed the United States' Motion, as well as the other papers and pleadings filed in this matter, hereby FINDS entry of a Preliminary Order of Forfeiture is appropriate for the following reasons:

1. The Subject Property is forfeitable pursuant to 18 U.S.C. § 2253(a), as it consists of prohibited images and/or as property the Defendant used to commit or to facilitate his commission of *Travel with Intent to Engage in a Sexual Act with a Minor*, in

1 violation of 18 U.S.C. §§ 2423(b) and 2246(2)(A) and (B), and *Possession of Child*  
 2 *Pornography*, in violation of 18 U.S.C. §§ 2252(a)(4)(B) and (b)(2), and,

3 2. In the Plea Agreement he entered on March 12, 2025, Defendant agreed to  
 4 forfeit the Subject Property pursuant to 18 U.S.C. § 2253(a). Dkt. No. 24, ¶ 13.

5 NOW, THEREFORE, THE COURT ORDERS:

6 1. Pursuant to 18 U.S.C. § 2253(a) and his Plea Agreement, Defendant's  
 7 interest in the Subject Property is fully and finally forfeited, in its entirety, to the United  
 8 States;

9 2. Pursuant to Fed. R. Crim. P. 32.2(b)(4)(A)-(B), this Preliminary Order will  
 10 be final as to Defendant at the time he is sentenced, it will be made part of the sentence,  
 11 and it will be included in the judgment;

12 3. The Department of Justice, Federal Bureau of Investigation, and/or its  
 13 authorized agents or representatives ("FBI"), shall maintain the electronic equipment in  
 14 its custody and control until further order of this Court. FBI shall destroy any prohibited  
 15 images unless they have been destroyed already or will be retained for official,  
 16 investigative use, as permitted by 21 U.S.C §§ 853(i) and 881(e);

17 4. Pursuant to Fed. R. Crim. P. 32.2(b)(6) and 21 U.S.C. § 853(n), the  
 18 United States shall publish notice of this Preliminary Order and its intent to dispose of the  
 19 electronic equipment as permitted by governing law. The notice shall be posted on an  
 20 official government website – currently [www.forfeiture.gov](http://www.forfeiture.gov) – for at least thirty (30) days.  
 21 For any person known to have alleged an interest in the electronic equipment, the  
 22 United States shall, to the extent possible, provide direct written notice to that person.  
 23 The notice shall state that any person, other than the Defendant, who has or claims a legal  
 24 interest in the electronic equipment must file a petition with the Court within sixty (60)  
 25 days of the first day of publication of the notice (which is thirty (30) days from the last  
 26 day of publication), or within thirty (30) days of receipt of direct written notice,  
 27 whichever is earlier. The notice shall advise all interested persons that the petition:

- a. shall be for a hearing to adjudicate the validity of the petitioner's alleged interest in the electronic equipment;
- b. shall be signed by the petitioner under penalty of perjury; and,
- c. shall set forth the nature and extent of the petitioner's right, title, or interest in the electronic equipment, as well as any facts supporting the petitioner's claim and the specific relief sought.

5. If no third-party petition is filed within the allowable time period, the United States shall have clear title to the electronic equipment, and this Preliminary Order shall become the Final Order of Forfeiture as provided by Fed. R. Crim. P. 32.2(c)(2);

6. If a third-party petition is filed, upon a showing that discovery is necessary to resolve factual issues it presents, discovery may be conducted in accordance with the Federal Rules of Civil Procedure before any hearing on the petition is held. Following adjudication of any third-party petitions, the Court will enter a Final Order of Forfeiture, pursuant to Fed. R. Crim. P. 32.2(c)(2) and 21 U.S.C. § 853(n), reflecting that adjudication; and,

7. The Court will retain jurisdiction for the purpose of enforcing this Preliminary Order, adjudicating any third-party petitions, entering a Final Order of Forfeiture, and amending the Preliminary Order or Final Order as necessary pursuant to Fed. R. Crim. P. 32.2(e).

IT IS SO ORDERED.

DATED this 27th day of June, 2025.



Jamal N. Whitehead  
United States District Judge

1 Presented by:

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